ER

The Director of Central Intelligence
Washington, D.C. 20505

December 28, 1977

The Editor
The Washington Post
1150 Fifteenth Street, N.W.
Washington, D.C. 20071

Dear Sir:

Mr. Daniel Schorr's response to my op-ed article on the problems of secrecy in an open society is a welcome and most useful contribution to the public debate on this important issue. In a reasoned way, Mr. Schorr correctly points out that some of the leaks of secrets in recent years have proven more beneficial than harmful. If one looks only to the short term, and to whatever issue is immediately in question, I think I would agree with him. More information is always better than less in understanding and assessing any issue. Nonetheless, to base one's argument for openness on that idea alone, however appealing it may be, would be to accept the sometimes minor benefits of the short term at the expense of what may be far more important to our national welfare tomorrow. I would contend that not everyone is in the best position to judge these equities, particularly for the long term.

For example, while Philip Agee's disclosure of the names of a large number of CIA employees may have momentarily titillated the public's quite natural interest, the revelation of those names effectively ended the careers of a large number of patriotic and unquestionably dedicated American public servants, and provided every terrorist organization with a handy hit list--which, by the way, inaccurately also contained the names of individuals with no connection to the CIA. Shortly after the Agee book was published, one of the persons named in it was killed by terrorists. Was the national interest better served by these disclosures than if these names had been kept secret?

An even more serious consequence of these unilateral, uncontrolled disclosures affects our long-term capability to carry out an intelligence function for the United States. The CIA does not operate in a vacuum, nor, contrary to popular belief, is it ubiquitous.

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American national security is to a significant degree dependent on the goodwill and willing cooperation of other intelligence organizations and individuals. Many foreign intelligence services and individuals will only work with us on the assurance that their efforts and sometimes even their existence be kept absolutely secret. They are becoming increasingly skeptical that we can do this.

Beyond this, Mr. Schorr leaves us with a rather empty feeling. He seems to say that since more good than harm may come from discrete leaks of secrets, the keeping or disclosing of national secrets should be trusted to the judgment of those who choose to do the leaking--assuming their motives are always to serve the national interest rather than to serve their personal needs. Can we not hope for and expect a more rational approach to an issue of such national importance? I have asked for the public to begin again to place a modicum of trust in those responsible for protecting national secrets. I recognize that that trust must be earned. But I believe that today there are adequate checks to assure the public of full oversight of the actions and activities of the Intelligence Community without having to resort to disclosures by individuals of questionable integrity. This oversight is accomplished in a number of ways: by a Freedom of Information Act which ultimately places the burden of proof before the courts; by new oversight committees in each chamber of Congress; by far greater openness in our intelligence process than exists anywhere else in the world; and by the unremitting pressures of the entire panoply of the American media.

I believe Americans should reject the superficial premise that anyone with a secret to sell probably "knows" better than duly elected or appointed officials what is best revealed and what is best kept secret. Let us not allow abuses of the past to encourage us to prefer anarchy to order, or to rely on renegades to defend us from those we ourselves put into office. Checks and balances exist. With respect to the Intelligence Community, they are new, but they are working well. I urge that they be given a fair chance to prove themselves because the stakes are too high to do otherwise.

Yours sincerely,

STANSFIELD TURNER

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Yours sincerely,

/s/ Stansfield Turner

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Daniel Schorr

The 'Healthful Effect' of Leaked Secrets

Adm. Stansfield Turner, director of Central Intelligence, who will be testifying on the CIA and the media before a House Intelligence subcommittee during the congressional recess, has raised a fundamental issue in his Dec. 7 op-ed article in The Post. It is whether our society should "trust the judgment of its public servants regarding what should and should not be withheld from the public."

It is undisputed that no government can accept free-wheeling disclosure by individual decision as a way of life. Responsible officials will obviously seek more effective ways to enforce their secrecy rules. The question is whether a popular consensus exists—or should be encouraged to come into being—in support of this idea.

The issue is far from academic. The intelligence community is seeking to create a climate in which it can obtain legislation tightening the lid on secrets by making public servants criminally liable for spilling secrets. It is reverting to a concept that once commanded general acceptance and, to a certain extent, still does, even among some in the press. New York Times columnist C. L. Sulzberger recently wrote, "I do not see what right the press has to publish military secrets endangering their country's survival merely because Xerox machines make documents available to informers." To win its case, however, the security establishment must overcome the effects of our recent past.

If history teaches anything, I believe, it is that society should not trust the unilateral judgments of public servants about what information is safe to release. Documented abuses of discretion have, in effect, snapped the invisible bond of confidence between the citizens and the government, which, in the past, left these decisions in the hands of the guardians of national security. The abuses have been of three kinds:

• In normal times, officials tend to tilt toward secrecy from a parochial view of their responsibilities. They generally see disclosure as reducing their options for maneuver and as raising unnecessary problems. From where they sit, the perils of publication always loom more menacingly than the harm of public ignorance. As a result, in the incessant contest between secrecy and disclosure, they represent a party, but demand also to be the arbiters.

• Under unusual pressure, government agencies tend to confuse institutional interest with national interest. A spate of recently released documents (prodded out of the files—not irrelevantly—by invocation of the Freedom of Information Act) testifies to the systematic misleading of the Warren Commission by a CIA and FBI more concerned about their reputations than the integrity of the inquiry into the assassination of President Kennedy. When the CIA, in a self-protective post-Watergate internal investigation in 1973, discovered evidence of past improprieties, such as domestic surveillance, postal snooping and assassination conspiracies, it took corrective action, but sought to avoid any public accounting—until news leaks forced President Ford and Congress to launch investigations.

• A President in trouble may confuse national interest with personal interest. That awesome phrase "national security" was debased by President Nixon into an instrument of coverup. It turned up almost routinely in court briefs opposing the release of material sought by Congress and Watergate prosecutors. "That's national security!" Nixon exploded as he ordered Assistant Attorney General Henry Peterson to keep hands off the newly discovered break-in on Daniel Ellsberg's psychiatrist.

Peterson's shattering experience—discovering that his highest superior could exploit "national security" for purposes of personal security—was symptomatic of a breakdown of confidence in the government secret-stampers, not only among private citizens, but within the government as well. This erosion of unquestioning acceptance of the judgment and integrity of superiors was connected with the spate of unauthorized leaks (not to be confused with high-level, deliberate leaks).

Typically, disclosures have been motivated by indignation over perceived misdeeds and misjudgments. Their aim, generally, has been to serve, not harm the national interest. Ironically, Frank Snepp's accusation is that it was the government that betrayed the national interest in abandoning the CIA's Vietnamese employees. Daniel Ellsberg, in his defiant issuance of the Pentagon Papers, still took care to withhold portions that he considered really sensitive.

It is perhaps because of the selective nature of whistle-blowing disclosures that there has been so little compromising of really vital national secrets. Officials tend to cry havoc at every security breach, but little evidence has been adduced of havoc actually wrought. The Nixon administration could not persuade a federal judge, in the privacy of his chambers, of the "irreparable injury to the defense interests of the United States" that it asserted would result from the publication of the Pentagon Papers. When the dust settled after rhetorical explosions over leaks like Henry Kissinger's orders about "tilting toward Pakistan" in its war against India, or the CIA's subsidy to King Hussein of

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Jordan, there was little evidence of damage serious enough to outweigh the public interest in knowing what the government is up to.

Adm. Turner says that, for the past year and a half, at any rate, the CIA has not used secrecy to protect its reputation. Let us accept that as true, although another CIA director might deem it a badge of honor to make such an assertion even if untrue. Still, it was only a little more than a year and a half ago that Adm. Turner's predecessor, George Bush, was urging the Senate Intelligence Committee—in secret session, of course—not to disclose that Richard Welch, the murdered Athens station chief, had ignored the advice of agency security officers not to expose himself unduly by moving into his predecessor's house. Bush was vigorously opposed by a member of the committee, Sen. Walter Mondale, who said that the CIA was not seeking to protect any national interest, but only a red face.

The awareness that "secrets" may leak tends to have a healthful, ombudsman effect in government, making covert operators ask themselves how their plans would look if they were exposed. In balance, this nation has probably been harmed much less by undue exposure than by undue secrecy. In the end, no oaths or regulations will be fully effective before confidence is restored in the employment of secrecy to protect real secrets and not cost overruns, abortive plots and personal wrongdoing. That, to borrow Snepp's title, may require "a decent interval."